

House Study Bill 279

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
HOUSE SUBCOMMITTEE
ON JUSTICE SYSTEM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1091HA 81
5 jm/sh/8

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1 1 JUSTICE SYSTEM
1 2 Section 1. DEPARTMENT OF JUSTICE.
1 3 1. There is appropriated from the general fund of the
1 4 state to the department of justice for the fiscal year
1 5 beginning July 1, 2005, and ending June 30, 2006, the
1 6 following amounts, or so much thereof as is necessary, to be
1 7 used for the purposes designated:
1 8 a. For the general office of attorney general for
1 9 salaries, support, maintenance, miscellaneous purposes
1 10 including the prosecuting attorneys training program, victim
1 11 assistance grants, office of drug control policy (ODCP)
1 12 prosecuting attorney program, legal services for persons in
1 13 poverty grants as provided in section 13.34, odometer fraud
1 14 enforcement, and for not more than the following full-time
1 15 equivalent positions:
1 16 \$ 7,774,280
1 17 FTEs 214.50
1 18 It is the intent of the general assembly that as a
1 19 condition of receiving the appropriation provided in this
1 20 lettered paragraph, the department of justice shall maintain a
1 21 record of the estimated time incurred representing each agency
1 22 or department.
1 23 b. For victim assistance grants:
1 24 \$ 5,000
1 25 The funds appropriated in this lettered paragraph shall be
1 26 used to provide grants to care providers providing services to
1 27 crime victims of domestic abuse or to crime victims of rape
1 28 and sexual assault.
1 29 c. For legal services for persons in poverty grants as
1 30 provided in section 13.34:
1 31 \$ 0
1 32 2. In addition to the funds appropriated in subsection 1,
1 33 there is appropriated from the general fund of the state to
1 34 the department of justice for the fiscal year beginning July
1 35 1, 2005, and ending June 30, 2006, an amount not exceeding
2 1 \$200,000 to be used for the enforcement of the Iowa
2 2 competition law. The funds appropriated in this subsection
2 3 are contingent upon receipt by the general fund of the state
2 4 of an amount at least equal to the expenditure amount from
2 5 either damages awarded to the state or a political subdivision
2 6 of the state by a civil judgment under chapter 553, if the
2 7 judgment authorizes the use of the award for enforcement
2 8 purposes or costs or attorneys fees awarded the state in state
2 9 or federal antitrust actions. However, if the amounts
2 10 received as a result of these judgments are in excess of
2 11 \$200,000, the excess amounts shall not be appropriated to the
2 12 department of justice pursuant to this subsection. The
2 13 department of justice shall report the department's actual
2 14 costs and an estimate of the time incurred enforcing the
2 15 competition law, to the co-chairpersons and ranking members of
2 16 the joint appropriations subcommittee on the justice system,
2 17 and to the legislative services agency by November 15, 2004.

2 18 3. In addition to the funds appropriated in subsection 1,
2 19 there is appropriated from the general fund of the state to
2 20 the department of justice for the fiscal year beginning July
2 21 1, 2005, and ending June 30, 2006, an amount not exceeding
2 22 \$300,000 to be used for administration and operations. The
2 23 funds appropriated in this subsection are contingent upon
2 24 receipt by the general fund of the state of an amount at least
2 25 equal to the expenditure amount from costs or attorney fees
2 26 awarded the state in settlement of its antitrust action
2 27 against Microsoft brought under chapter 553. However, if the
2 28 amounts received as a result of this settlement are in excess
2 29 of \$300,000, the excess amounts shall not be appropriated to
2 30 the department of justice pursuant to this subsection.

2 31 4. In addition to the funds appropriated in subsection 1,
2 32 there is appropriated from the general fund of the state to
2 33 the department of justice for the fiscal year beginning July
2 34 1, 2005, and ending June 30, 2006, an amount not exceeding
2 35 \$1,125,000 to be used for public education relating to
3 1 consumer fraud and for enforcement of section 714.16, and an
3 2 amount not exceeding \$75,000 for investigation, prosecution,
3 3 and consumer education relating to consumer and criminal fraud
3 4 against older Iowans. The funds appropriated in this
3 5 subsection are contingent upon receipt by the general fund of
3 6 the state of an amount at least equal to the expenditure
3 7 amount from damages awarded to the state or a political
3 8 subdivision of the state by a civil consumer fraud judgment or
3 9 settlement, if the judgment or settlement authorizes the use
3 10 of the award for public education on consumer fraud. However,
3 11 if the funds received as a result of these judgments and
3 12 settlements are in excess of \$1,200,000, the excess funds
3 13 shall not be appropriated to the department of justice
3 14 pursuant to this subsection. The department of justice shall
3 15 report to the co-chairpersons and ranking members of the joint
3 16 appropriations subcommittee on the justice system, and to the
3 17 legislative services agency by November 15, 2005, the
3 18 department's actual costs and an estimate of the time incurred
3 19 in providing education pursuant to and enforcing this
3 20 subsection.

3 21 5. The balance of the victim compensation fund established
3 22 in section 915.94 may be used to provide salary and support of
3 23 not more than 22 FTEs and to provide maintenance for the
3 24 victim compensation functions of the department of justice.

3 25 6. a. The department of justice, in submitting budget
3 26 estimates for the fiscal year commencing July 1, 2006,
3 27 pursuant to section 8.23, shall include a report of funding
3 28 from sources other than amounts appropriated directly from the
3 29 general fund of the state to the department of justice or to
3 30 the office of consumer advocate. These funding sources shall
3 31 include, but are not limited to, reimbursements from other
3 32 state agencies, commissions, boards, or similar entities, and
3 33 reimbursements from special funds or internal accounts within
3 34 the department of justice. The department of justice shall
3 35 report actual reimbursements for the fiscal year commencing
4 1 July 1, 2004, and actual and expected reimbursements for the
4 2 fiscal year commencing July 1, 2005.

4 3 b. The department of justice shall include the report
4 4 required under paragraph "a", as well as information regarding
4 5 any revisions occurring as a result of reimbursements actually
4 6 received or expected at a later date, in a report to the co=
4 7 chairpersons and ranking members of the joint appropriations
4 8 subcommittee on the justice system and the legislative
4 9 services agency. The department of justice shall submit the
4 10 report on or before January 15, 2006.

4 11 Sec. 2. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES
4 12 INVESTIGATION AND PROSECUTION == FUNDING. There is
4 13 appropriated from the environmental crime fund of the
4 14 department of justice, consisting of court-ordered fines and
4 15 penalties awarded to the department arising out of the
4 16 prosecution of environmental crimes, to the department of
4 17 justice for the fiscal year beginning July 1, 2005, and ending
4 18 June 30, 2006, an amount not exceeding \$20,000 to be used by
4 19 the department, at the discretion of the attorney general, for
4 20 the investigation and prosecution of environmental crimes,
4 21 including the reimbursement of expenses incurred by county,
4 22 municipal, and other local governmental agencies cooperating
4 23 with the department in the investigation and prosecution of
4 24 environmental crimes.

4 25 The funds appropriated in this section are contingent upon
4 26 receipt by the environmental crime fund of the department of
4 27 justice of an amount at least equal to the appropriations made
4 28 in this section and received from contributions, court-ordered

4 29 restitution as part of judgments in criminal cases, and
4 30 consent decrees entered into as part of civil or regulatory
4 31 enforcement actions. However, if the funds received during
4 32 the fiscal year are in excess of \$20,000, the excess funds
4 33 shall be deposited in the general fund of the state.
4 34 Notwithstanding section 8.33, moneys appropriated in this
4 35 section that remain unencumbered or unobligated at the close
5 1 of the fiscal year shall not revert but shall remain available
5 2 for expenditure for the purpose designated until the close of
5 3 the succeeding fiscal year.

5 4 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
5 5 appropriated from the general fund of the state to the office
5 6 of consumer advocate of the department of justice for the
5 7 fiscal year beginning July 1, 2005, and ending June 30, 2006,
5 8 the following amount, or so much thereof as is necessary, to
5 9 be used for the purposes designated:

5 10 For salaries, support, maintenance, miscellaneous purposes,
5 11 and for not more than the following full-time equivalent
5 12 positions:

5 13	\$ 2,810,442
5 14	FTEs 27.00

5 15 Sec. 4. DEPARTMENT OF CORRECTIONS == FACILITIES.

5 16 1. There is appropriated from the general fund of the
5 17 state to the department of corrections for the fiscal year
5 18 beginning July 1, 2005, and ending June 30, 2006, the
5 19 following amounts, or so much thereof as is necessary, to be
5 20 used for the purposes designated:

5 21 For the operation of adult correctional institutions,
5 22 reimbursement of counties for certain confinement costs, and
5 23 federal prison reimbursement, to be allocated as follows:

5 24 a. For the operation of the Fort Madison correctional
5 25 facility, including salaries, support, maintenance, and
5 26 miscellaneous purposes:

5 27	\$ 38,923,261
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5 28 b. For the operation of the Anamosa correctional facility,
5 29 including salaries, support, maintenance, and miscellaneous
5 30 purposes:

5 31	\$ 27,257,452
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5 32 Moneys are provided within this appropriation for one full-
5 33 time substance abuse counselor for the Luster Heights
5 34 facility, for the purpose of certification of a substance
5 35 abuse program at that facility.

6 1 c. For the operation of the Oakdale correctional facility,
6 2 including salaries, support, maintenance, and miscellaneous
6 3 purposes:

6 4	\$ 24,730,278
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6 5 d. For the operation of the Newton correctional facility,
6 6 including salaries, support, maintenance, and miscellaneous
6 7 purposes:

6 8	\$ 25,073,632
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6 9 e. For the operation of the Mt. Pleasant correctional
6 10 facility, including salaries, support, maintenance, and
6 11 miscellaneous purposes:

6 12	\$ 23,003,340
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6 13 f. For the operation of the Rockwell City correctional
6 14 facility, including salaries, support, maintenance, and
6 15 miscellaneous purposes:

6 16	\$ 8,096,378
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6 17 g. For the operation of the Clarinda correctional
6 18 facility, including salaries, support, maintenance, and
6 19 miscellaneous purposes:

6 20	\$ 22,904,497
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6 21 Moneys received by the department of corrections as
6 22 reimbursement for services provided to the Clarinda youth
6 23 corporation are appropriated to the department and shall be
6 24 used for the purpose of operating the Clarinda correctional
6 25 facility.

6 26 h. For the operation of the Mitchellville correctional
6 27 facility, including salaries, support, maintenance, and
6 28 miscellaneous purposes:

6 29	\$ 14,002,603
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6 30 i. For the operation of the Fort Dodge correctional
6 31 facility, including salaries, support, maintenance, and
6 32 miscellaneous purposes:

6 33	\$ 26,315,943
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6 34 j. For inmate substance abuse and mental health treatment:

6 35	\$ 1,000,000
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7 1 k. For reimbursement of counties for temporary confinement
7 2 of work release and parole violators, as provided in sections
7 3 901.7, 904.908, and 906.17 and for offenders confined pursuant
7 4 to section 904.513:

7 5 \$ 674,954
7 6 1. For federal prison reimbursement, reimbursements for
7 7 out-of-state placements, and miscellaneous contracts:
7 8 \$ 241,293
7 9 2. The department of corrections shall use funds
7 10 appropriated in subsection 1 to continue to contract for the
7 11 services of a Muslim imam.
7 12 3. In addition to the funds appropriated in subsection 1,
7 13 there is appropriated from the general fund of the state to
7 14 the department of corrections for the fiscal year beginning
7 15 July 1, 2005, and ending June 30, 2006, an amount not
7 16 exceeding \$42,000 to be used for education programming. The
7 17 funds appropriated in this subsection are contingent upon
7 18 receipt by the general fund of the state of an amount at least
7 19 equal to the expenditure amount from costs or attorney fees
7 20 awarded the state in settlement of its antitrust action
7 21 against Microsoft brought under chapter 553. However, if the
7 22 amounts received as a result of this settlement are in excess
7 23 of \$42,000, the excess amounts shall not be appropriated to
7 24 the department of corrections pursuant to this subsection.
7 25 Sec. 5. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
7 26 1. There is appropriated from the general fund of the
7 27 state to the department of corrections for the fiscal year
7 28 beginning July 1, 2005, and ending June 30, 2006, the
7 29 following amounts, or so much thereof as is necessary, to be
7 30 used for the purposes designated:
7 31 a. For general administration, including salaries,
7 32 support, maintenance, employment of an education director to
7 33 administer a centralized education program for the
7 34 correctional system, and miscellaneous purposes:
7 35 \$ 2,829,708
8 1 (1) It is the intent of the general assembly that as a
8 2 condition of receiving the appropriation provided in this
8 3 lettered paragraph, the department of corrections shall not,
8 4 except as otherwise provided in subparagraph (3), enter into a
8 5 new contract, unless the contract is a renewal of an existing
8 6 contract, for the expenditure of moneys in excess of \$100,000
8 7 during the fiscal year beginning July 1, 2005, for the
8 8 privatization of services performed by the department using
8 9 state employees as of July 1, 2005, or for the privatization
8 10 of new services by the department, without prior consultation
8 11 with any applicable state employee organization affected by
8 12 the proposed new contract and prior notification of the co-
8 13 chairpersons and ranking members of the joint appropriations
8 14 subcommittee on the justice system.
8 15 (2) It is the intent of the general assembly that each
8 16 lease negotiated by the department of corrections with a
8 17 private corporation for the purpose of providing private
8 18 industry employment of inmates in a correctional institution
8 19 shall prohibit the private corporation from utilizing inmate
8 20 labor for partisan political purposes for any person seeking
8 21 election to public office in this state and that a violation
8 22 of this requirement shall result in a termination of the lease
8 23 agreement.
8 24 (3) It is the intent of the general assembly that as a
8 25 condition of receiving the appropriation provided in this
8 26 lettered paragraph, the department of corrections shall not
8 27 enter into a lease or contractual agreement pursuant to
8 28 section 904.809 with a private corporation for the use of
8 29 building space for the purpose of providing inmate employment
8 30 without providing that the terms of the lease or contract
8 31 establish safeguards to restrict, to the greatest extent
8 32 feasible, access by inmates working for the private
8 33 corporation to personal identifying information of citizens.
8 34 b. For educational programs for inmates at state penal
8 35 institutions:
9 1 \$ 1,008,358
9 2 It is the intent of the general assembly that moneys
9 3 appropriated in this lettered paragraph shall be used solely
9 4 for the purpose indicated and that the moneys shall not be
9 5 transferred for any other purpose. In addition, it is the
9 6 intent of the general assembly that the department shall
9 7 consult with the community colleges in the areas in which the
9 8 institutions are located to utilize moneys appropriated in
9 9 this lettered paragraph to fund the high school completion,
9 10 high school equivalency diploma, adult literacy, and adult
9 11 basic education programs in a manner so as to maintain these
9 12 programs at the institutions.
9 13 To maximize the funding for educational programs, the
9 14 department shall establish guidelines and procedures to
9 15 prioritize the availability of educational and vocational

9 16 training for inmates based upon the goal of facilitating an
9 17 inmate's successful release from the correctional institution.
9 18 The director of the department of corrections may transfer
9 19 moneys from Iowa prison industries for use in educational
9 20 programs for inmates.

9 21 Notwithstanding section 8.33, moneys appropriated in this
9 22 lettered paragraph that remain unobligated or unexpended at
9 23 the close of the fiscal year shall not revert but shall remain
9 24 available for expenditure only for the purpose designated in
9 25 this lettered paragraph until the close of the succeeding
9 26 fiscal year.

9 27 c. For the development of the Iowa corrections offender
9 28 network (ICON) data system:
9 29 \$ 427,700

9 30 2. It is the intent of the general assembly that the
9 31 department of corrections shall continue to operate the
9 32 correctional farms under the control of the department at the
9 33 same or greater level of participation and involvement as
9 34 existed as of January 1, 2005, shall not enter into any rental
9 35 agreement or contract concerning any farmland under the
10 1 control of the department that is not subject to a rental
10 2 agreement or contract as of January 1, 2005, without prior
10 3 legislative approval, and shall further attempt to provide job
10 4 opportunities at the farms for inmates. The department shall
10 5 attempt to provide job opportunities at the farms for inmates
10 6 by encouraging labor-intensive farming or gardening where
10 7 appropriate, using inmates to grow produce and meat for
10 8 institutional consumption, researching the possibility of
10 9 instituting food canning and cook-and-chill operations, and
10 10 exploring opportunities for organic farming and gardening,
10 11 livestock ventures, horticulture, and specialized crops.

10 12 3. The department shall work to increase produce gardening
10 13 by inmates under the control of the correctional institutions,
10 14 and, if appropriate, may use the central distribution network
10 15 at the Woodward state resource center. The department shall
10 16 file a report with the co-chairpersons and ranking members of
10 17 the joint appropriations subcommittee on the justice system by
10 18 December 1, 2005, regarding the feasibility of expanding the
10 19 number of acres devoted to organic gardening and to the
10 20 growing of organic produce for sale.

10 21 4. The department of corrections shall submit a report to
10 22 the general assembly by January 1, 2006, concerning moneys
10 23 recouped from inmate earnings for the reimbursement of
10 24 operational expenses of the applicable facility during the
10 25 fiscal year beginning July 1, 2004, for each correctional
10 26 institution and judicial district department of correctional
10 27 services. In addition, each correctional institution and
10 28 judicial district department of correctional services shall
10 29 continue to submit a report to the legislative services agency
10 30 on a monthly basis concerning moneys recouped from inmate
10 31 earnings pursuant to sections 904.702, 904.809, and 905.14.

10 32 5. The department of corrections, in consultation with the
10 33 board of parole, shall study the feasibility of establishing a
10 34 mentoring program using unpaid volunteers to mentor persons
10 35 who are on probation or parole. The department of corrections
11 1 shall file a report regarding the study with the co-
11 2 chairpersons and ranking members of the joint appropriations
11 3 subcommittee on the justice system and the legislative
11 4 services agency by December 15, 2005. The report shall detail
11 5 the feasibility of establishing such a mentoring program.

11 6 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
11 7 SERVICES.

11 8 1. There is appropriated from the general fund of the
11 9 state to the department of corrections for the fiscal year
11 10 beginning July 1, 2005, and ending June 30, 2006, the
11 11 following amounts, or so much thereof as is necessary, to be
11 12 allocated as follows:

11 13 a. For the first judicial district department of
11 14 correctional services, including the treatment and supervision
11 15 of probation and parole violators who have been released from
11 16 the department of corrections violator program, the following
11 17 amount, or so much thereof as is necessary:
11 18 \$ 10,406,624

11 19 b. For the second judicial district department of
11 20 correctional services, including the treatment and supervision
11 21 of probation and parole violators who have been released from
11 22 the department of corrections violator program, the following
11 23 amount, or so much thereof as is necessary:
11 24 \$ 8,017,509

11 25 c. For the third judicial district department of
11 26 correctional services, including the treatment and supervision

11 27 of probation and parole violators who have been released from
11 28 the department of corrections violator program, the following
11 29 amount, or so much thereof as is necessary:

11 30 \$ 4,836,472

11 31 d. For the fourth judicial district department of
11 32 correctional services, including the treatment and supervision
11 33 of probation and parole violators who have been released from
11 34 the department of corrections violator program, the following
11 35 amount, or so much thereof as is necessary:

12 1 \$ 4,305,545

12 2 e. For the fifth judicial district department of
12 3 correctional services, including the treatment and supervision
12 4 of probation and parole violators who have been released from
12 5 the department of corrections violator program, the following
12 6 amount, or so much thereof as is necessary:

12 7 \$ 13,547,738

12 8 f. For the sixth judicial district department of
12 9 correctional services, including the treatment and supervision
12 10 of probation and parole violators who have been released from
12 11 the department of corrections violator program, the following
12 12 amount, or so much thereof as is necessary:

12 13 \$ 10,331,724

12 14 g. For the seventh judicial district department of
12 15 correctional services, including the treatment and supervision
12 16 of probation and parole violators who have been released from
12 17 the department of corrections violator program, the following
12 18 amount, or so much thereof as is necessary:

12 19 \$ 5,787,248

12 20 h. For the eighth judicial district department of
12 21 correctional services, including the treatment and supervision
12 22 of probation and parole violators who have been released from
12 23 the department of corrections violator program, the following
12 24 amount, or so much thereof as is necessary:

12 25 \$ 5,722,888

12 26 2. In addition to the funds appropriated in subsection 1,
12 27 there is appropriated from the general fund of the state to
12 28 the department of corrections for the fiscal year beginning
12 29 July 1, 2005, and ending June 30, 2006, the following amounts
12 30 to be allocated as follows: \$149,000 for use by the second
12 31 judicial district for the operation of a drug court and
12 32 \$65,000 to the third judicial district for the operation of a
12 33 drug court. The funds appropriated in this subsection are
12 34 contingent upon the receipt by the general fund of the state
12 35 of an amount at least equal to the expenditure amount from
13 1 costs or attorney fees awarded the state in settlement of its
13 2 antitrust action against Microsoft brought under chapter 553.
13 3 However, if the amounts received as a result of this
13 4 settlement are in excess of \$214,000, the excess amounts shall
13 5 not be appropriated to the department of corrections pursuant
13 6 to this subsection.

13 7 3. Each judicial district department of correctional
13 8 services, within the funding available, shall continue
13 9 programs and plans established within that district to provide
13 10 for intensive supervision, sex offender treatment, diversion
13 11 of low-risk offenders to the least restrictive sanction
13 12 available, job development, and expanded use of intermediate
13 13 criminal sanctions.

13 14 4. Each judicial district department of correctional
13 15 services shall provide alternatives to prison consistent with
13 16 chapter 901B. The alternatives to prison shall ensure public
13 17 safety while providing maximum rehabilitation to the offender.
13 18 A judicial district department may also establish a day
13 19 program.

13 20 5. The governor's office of drug control policy shall
13 21 consider federal grants made to the department of corrections
13 22 for the benefit of each of the eight judicial district
13 23 departments of correctional services as local government
13 24 grants, as defined pursuant to federal regulations.

13 25 Sec. 7. INTENT == REPORTS.

13 26 1. The department of corrections shall submit a report on
13 27 inmate labor to the general assembly, to the co-chairpersons
13 28 and the ranking members of the joint appropriations
13 29 subcommittee on the justice system, and to the legislative
13 30 services agency by January 15, 2006. The report shall
13 31 specifically address the progress the department has made in
13 32 implementing the requirements of section 904.701, inmate labor
13 33 on capital improvement projects, community work crews, inmate
13 34 produce gardening, and private-sector employment.

13 35 2. The department in cooperation with townships, the Iowa
14 1 cemetery associations, and other nonprofit or governmental
14 2 entities may use inmate labor to restore or preserve rural

14 3 cemeteries and historical landmarks. The department in
14 4 cooperation with the counties may also use inmate labor to
14 5 clean up roads, major water sources, and other water sources
14 6 around the state.

14 7 3. Each month the department shall provide a status report
14 8 regarding private-sector employment to the legislative
14 9 services agency beginning on July 1, 2005. The report shall
14 10 include the number of offenders employed in the private
14 11 sector, the combined number of hours worked by the offenders,
14 12 and the total amount of allowances, and the distribution of
14 13 allowances pursuant to section 904.702, including any moneys
14 14 deposited in the general fund of the state.

14 15 Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

14 16 1. As used in this section, unless the context otherwise
14 17 requires, "state agency" means the government of the state of
14 18 Iowa, including but not limited to all executive branch
14 19 departments, agencies, boards, bureaus, and commissions, the
14 20 judicial branch, the general assembly and all legislative
14 21 agencies, institutions within the purview of the state board
14 22 of regents, and any corporation whose primary function is to
14 23 act as an instrumentality of the state.

14 24 2. State agencies are hereby encouraged to purchase
14 25 products from Iowa state industries, as defined in section
14 26 904.802, when purchases are required and the products are
14 27 available from Iowa state industries. State agencies shall
14 28 obtain bids from Iowa state industries for purchases of office
14 29 furniture exceeding \$5,000 or in accordance with applicable
14 30 administrative rules related to purchases for the agency.

14 31 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from
14 32 the general fund of the state to the office of the state
14 33 public defender of the department of inspections and appeals
14 34 for the fiscal year beginning July 1, 2005, and ending June
14 35 30, 2006, the following amounts, or so much thereof as is
15 1 necessary, to be allocated as follows for the purposes

15 2 designated:
15 3 1. For salaries, support, maintenance, and miscellaneous
15 4 purposes, and for not more than the following full-time
15 5 equivalent positions:
15 6 \$ 18,444,964
15 7 FTEs 202.00

15 8 2. For the fees of court-appointed attorneys for indigent
15 9 adults and juveniles, in accordance with section 232.141 and
15 10 chapter 815:
15 11 \$ 21,163,082

15 12 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

15 13 1. There is appropriated from the general fund of the
15 14 state to the Iowa law enforcement academy for the fiscal year
15 15 beginning July 1, 2005, and ending June 30, 2006, the
15 16 following amount, or so much thereof as is necessary, to be
15 17 used for the purposes designated:

15 18 For salaries, support, maintenance, miscellaneous purposes,
15 19 including jailer training and technical assistance, and for
15 20 not more than the following full-time equivalent positions:
15 21 \$ 1,075,138
15 22 FTEs 30.05

15 23 It is the intent of the general assembly that the Iowa law
15 24 enforcement academy may provide training of state and local
15 25 law enforcement personnel concerning the recognition of and
15 26 response to persons with Alzheimer's disease.

15 27 The Iowa law enforcement academy may temporarily exceed and
15 28 draw more than the amount appropriated and incur a negative
15 29 cash balance as long as there are receivables equal to or
15 30 greater than the negative balance and the amount appropriated
15 31 in this subsection is not exceeded at the close of the fiscal
15 32 year.

15 33 2. The Iowa law enforcement academy may select at least
15 34 five automobiles of the department of public safety, division
15 35 of the Iowa state patrol, prior to turning over the
16 1 automobiles to the department of administrative services to be
16 2 disposed of by public auction and the Iowa law enforcement
16 3 academy may exchange any automobile owned by the academy for
16 4 each automobile selected if the selected automobile is used in
16 5 training law enforcement officers at the academy. However,
16 6 any automobile exchanged by the academy shall be substituted
16 7 for the selected vehicle of the department of public safety
16 8 and sold by public auction with the receipts being deposited
16 9 in the depreciation fund to the credit of the department of
16 10 public safety, division of the Iowa state patrol.

16 11 Sec. 11. BOARD OF PAROLE. There is appropriated from the
16 12 general fund of the state to the board of parole for the
16 13 fiscal year beginning July 1, 2005, and ending June 30, 2006,

16 14 the following amount, or so much thereof as is necessary, to
 16 15 be used for the purposes designated:
 16 16 For salaries, support, maintenance, miscellaneous purposes,
 16 17 and for not more than the following full-time equivalent
 16 18 positions:
 16 19 \$ 1,121,044
 16 20 FTEs 17.50
 16 21 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is
 16 22 appropriated from the general fund of the state to the
 16 23 department of public defense for the fiscal year beginning
 16 24 July 1, 2005, and ending June 30, 2006, the following amounts,
 16 25 or so much thereof as is necessary, to be used for the
 16 26 purposes designated:
 16 27 1. MILITARY DIVISION
 16 28 For salaries, support, maintenance, miscellaneous purposes,
 16 29 and for not more than the following full-time equivalent
 16 30 positions:
 16 31 \$ 5,130,040
 16 32 FTEs 312.55
 16 33 If there is a surplus in the general fund of the state for
 16 34 the fiscal year ending June 30, 2006, within 60 days after the
 16 35 close of the fiscal year, the military division may incur up
 17 1 to an additional \$500,000 in expenditures from the surplus
 17 2 prior to transfer of the surplus pursuant to section 8.57.
 17 3 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 17 4 For salaries, support, maintenance, miscellaneous purposes,
 17 5 and for not more than the following full-time equivalent
 17 6 positions:
 17 7 \$ 1,172,230
 17 8 FTEs 24.75
 17 9 Sec. 13. DEPARTMENT OF PUBLIC SAFETY. There is
 17 10 appropriated from the general fund of the state to the
 17 11 department of public safety for the fiscal year beginning July
 17 12 1, 2005, and ending June 30, 2006, the following amounts, or
 17 13 so much thereof as is necessary, to be used for the purposes
 17 14 designated:
 17 15 1. For the department's administrative functions,
 17 16 including the criminal justice information system, and for not
 17 17 more than the following full-time equivalent positions:
 17 18 \$ 3,095,033
 17 19 FTEs 38.00
 17 20 2. For the division of criminal investigation and bureau
 17 21 of identification, including the state's contribution to the
 17 22 peace officers' retirement, accident, and disability system
 17 23 provided in chapter 97A in the amount of 17 percent of the
 17 24 salaries for which the funds are appropriated, to meet federal
 17 25 fund matching requirements, and for not more than the
 17 26 following full-time equivalent positions:
 17 27 \$ 14,807,052
 17 28 FTEs 222.50
 17 29 3. For the criminalistics laboratory fund, if created in
 17 30 section 602.8108:
 17 31 \$ 0
 17 32 The department of public safety, with the approval of the
 17 33 department of management, may employ no more than two special
 17 34 agents and four gaming enforcement officers for each
 17 35 additional riverboat regulated after July 1, 2005, and one
 18 1 special agent for each racing facility which becomes
 18 2 operational during the fiscal year which begins July 1, 2005.
 18 3 One additional gaming enforcement officer, up to a total of
 18 4 four per riverboat, may be employed for each riverboat that
 18 5 has extended operations to 24 hours and has not previously
 18 6 operated with a 24-hour schedule. Positions authorized in
 18 7 this paragraph are in addition to the full-time equivalent
 18 8 positions otherwise authorized in this subsection.
 18 9 4. a. For the division of narcotics enforcement,
 18 10 including the state's contribution to the peace officers'
 18 11 retirement, accident, and disability system provided in
 18 12 chapter 97A in the amount of 17 percent of the salaries for
 18 13 which the funds are appropriated, to meet federal fund
 18 14 matching requirements, and for not more than the following
 18 15 full-time equivalent positions:
 18 16 \$ 4,701,141
 18 17 FTEs 75.00
 18 18 b. For the division of narcotics enforcement for
 18 19 undercover purchases:
 18 20 \$ 123,343
 18 21 5. a. For the state fire marshal's office, including the
 18 22 state's contribution to the peace officers' retirement,
 18 23 accident, and disability system provided in chapter 97A in the
 18 24 amount of 17 percent of the salaries for which the funds are

18 25 appropriated, and for not more than the following full-time
 18 26 equivalent positions:
 18 27 \$ 2,456,998
 18 28 FTEs 42.00
 18 29 b. For the state fire marshal's office, for fire
 18 30 protection services as provided through the state fire service
 18 31 and emergency response council as created in the department,
 18 32 and for not more than the following full-time equivalent
 18 33 positions:
 18 34 \$ 638,021
 18 35 FTEs 10.00
 19 1 6. For the division of the Iowa state patrol of the
 19 2 department of public safety, for salaries, support,
 19 3 maintenance, workers' compensation costs, and miscellaneous
 19 4 purposes, including the state's contribution to the peace
 19 5 officers' retirement, accident, and disability system provided
 19 6 in chapter 97A in the amount of 17 percent of the salaries for
 19 7 which the funds are appropriated, and for not more than the
 19 8 following full-time equivalent positions:
 19 9 \$ 43,151,973
 19 10 FTEs 531.00
 19 11 In addition to the funds otherwise appropriated in this
 19 12 subsection, there is appropriated from the general fund of the
 19 13 state to the division of the Iowa state patrol for the fiscal
 19 14 year beginning July 1, 2005, and ending June 30, 2006, an
 19 15 amount not exceeding \$400,000 to be used for motor vehicle
 19 16 depreciation. The funds appropriated in this paragraph are
 19 17 contingent upon receipt by the general fund of the state of an
 19 18 amount at least equal to the expenditure amount from costs or
 19 19 attorney fees awarded the state in settlement of its antitrust
 19 20 action against Microsoft brought under chapter 553. However,
 19 21 if the amounts received as a result of this settlement are in
 19 22 excess of \$400,000, the excess amounts shall not be
 19 23 appropriated to the division of the Iowa state patrol pursuant
 19 24 to this paragraph.
 19 25 It is the intent of the general assembly that members of
 19 26 the Iowa state patrol be assigned to patrol the highways and
 19 27 roads in lieu of assignments for inspecting school buses for
 19 28 the school districts.
 19 29 7. For deposit in the public safety law enforcement sick
 19 30 leave benefits fund established under section 80.42, for all
 19 31 departmental employees eligible to receive benefits for
 19 32 accrued sick leave under the collective bargaining agreement:
 19 33 \$ 316,179
 19 34 An employee of the department of public safety who retires
 19 35 after July 1, 2005, but prior to June 30, 2006, is eligible
 20 1 for payment of life or health insurance premiums as provided
 20 2 for in the collective bargaining agreement covering the public
 20 3 safety bargaining unit at the time of retirement if that
 20 4 employee previously served in a position which would have been
 20 5 covered by the agreement. The employee shall be given credit
 20 6 for the service in that prior position as though it were
 20 7 covered by that agreement. The provisions of this subsection
 20 8 shall not operate to reduce any retirement benefits an
 20 9 employee may have earned under other collective bargaining
 20 10 agreements or retirement programs.
 20 11 8. For costs associated with the training and equipment
 20 12 needs of volunteer fire fighters and for not more than the
 20 13 following full-time equivalent position:
 20 14 \$ 699,587
 20 15 FTEs 1.00
 20 16 Notwithstanding section 8.33, moneys appropriated in this
 20 17 subsection that remain unobligated or unexpended at the close
 20 18 of the fiscal year shall not revert but shall remain available
 20 19 for expenditure only for the purpose designated in this
 20 20 subsection until the close of the succeeding fiscal year.
 20 21 Sec. 14. CIVIL RIGHTS COMMISSION. There is appropriated
 20 22 from the general fund of the state to the Iowa state civil
 20 23 rights commission for the fiscal year beginning July 1, 2005,
 20 24 and ending June 30, 2006, the following amount, or so much
 20 25 thereof as is necessary, to be used for the purposes
 20 26 designated:
 20 27 For salaries, support, maintenance, miscellaneous purposes,
 20 28 and for not more than the following full-time equivalent
 20 29 positions:
 20 30 \$ 950,788
 20 31 FTEs 27.50
 20 32 The Iowa state civil rights commission may enter into a
 20 33 contract with a nonprofit organization to provide legal
 20 34 assistance to resolve civil rights complaints.
 20 35 Sec. 15. HOMELAND SECURITY AND EMERGENCY MANAGEMENT

21 1 DIVISION. There is appropriated from the wireless E911
21 2 emergency communications fund to the administrator of the
21 3 homeland security and emergency management division of the
21 4 department of public defense for the fiscal year beginning
21 5 July 1, 2005, and ending June 30, 2006, an amount not
21 6 exceeding two hundred thousand dollars to be used for
21 7 implementation, support, and maintenance of the functions of
21 8 the administrator and program manager under chapter 34A and to
21 9 employ the auditor of the state to perform an annual audit of
21 10 the wireless E911 emergency communications fund.
21 11 Sec. 16. IOWA LAW ENFORCEMENT ACADEMY == FEES.
21 12 Notwithstanding section 80B.11B, the Iowa law enforcement
21 13 academy may charge more than one-half the cost of providing
21 14 the basic training course if a majority of the Iowa law
21 15 enforcement academy council authorizes charging more than one=
21 16 half of the cost of providing basic training. This section is
21 17 repealed on June 30, 2006.

21 18 EXPLANATION

21 19 This bill makes appropriations for fiscal year 2005=2006
21 20 from the general fund of the state to the departments of
21 21 justice, corrections, public defense, and public safety, and
21 22 the Iowa law enforcement academy, office of the state public
21 23 defender, board of parole, and Iowa state civil rights
21 24 commission.

21 25 The bill also makes appropriations to the department of
21 26 justice, the department of corrections, the Iowa state patrol,
21 27 and the second and third judicial districts that are
21 28 contingent upon the general fund of the state receiving moneys
21 29 from the Microsoft antitrust settlement.

21 30 The bill provides that the Iowa law enforcement academy may
21 31 charge a department of the state, a member of a police force,
21 32 or any political subdivision of the state more than one-half
21 33 of the cost to provide the basic training course for a law
21 34 enforcement officer, provided a majority of the Iowa law
21 35 enforcement council approves such a charge. Current law
22 1 prohibits the Iowa law enforcement academy from charging more
22 2 than one-half of the cost of providing the basic training
22 3 course.

22 4 LSB 1091HA 81
22 5 jm:mg/sh/8.2